

*DAI*

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q59354

Vincent LE GUEN

Allowed: August 26, 2004

Appln. No.: 09/582,292

Group Art Unit: 3727

Confirmation No.: 1515

Examiner: L. Ngo

Filed: June 23, 2000

For: THERMOPLASTIC CONTAINER WITH PETALOID BASE

**PETITION TO WITHDRAW A HOLDING OF ABANDONMENT AND  
PETITION TO REVIVE ABANDONED APPLICATION**

**MAIL STOP PETITION**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

The undersigned, on behalf of Applicant, petitions the Commissioner to withdraw a holding of abandonment of the above identified application. The application was abandoned for failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability. However, the required documents were in fact filed in the U.S. Patent and Trademark Office within the required time period, but have evidently been misplaced by the PTO.

Submitted herewith are copies of the following documents:

1. Amendment under 37 C.F.R. § 1.312 filed September 10, 2004 (with two sheets of replacement drawings);
2. Date-stamped filing receipt bearing OIPE stamp of September 10, 2004 and identifying the above listed papers as filed on that date;
3. Issue Fee Payment With Check # 259203 filed November 1, 2004;

PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
U.S. Patent Application No. 09/582,292

4. Date-stamped filing receipt bearing OIPE stamp of November 1, 2004 and identifying the above listed paper as filed on that date; and
5. Notice of Abandonment.

From documents 1-2 it is clear that this firm, representing Applicant, duly filed a response addressing the drawing requirement noted in the Notice of Allowance dated August 26, 2004 with the PTO on September 10, 2004, well within the response time period.

In view of the above, it is respectfully submitted that the application should not have been abandoned and the Commissioner is petitioned to withdraw the holding of abandonment.

In addition, the undersigned petitions the Commissioner to revive the above application, as all required documents were filed in the U.S. Patent and Trademark Office within the required time period.

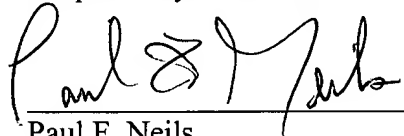
SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Respectfully submitted,



Paul F. Neils  
Registration No. 33,102

Date: January 14, 2005

Attorney Docket No.: Q59354



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**FILING RECEIPT**  
**PLEASE DATE STAMP AND RETURN TO US - BOX 235X**

In re application of

Vincent LE GUEN

Appln. No.: 09/582,292

Group Art Unit: 3727

Confirmation No.: 1515

Examiner: L. Ngo

Filed: June 23, 2000

For: THERMOPLASTIC CONTAINER WITH PETALOID BASE

PAPER(S) FILED ENTITLED:

1. Amendment Under 37 C.F.R. §1.312 (with 2 sheets of replacement drawings)

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

DOCKET NO.: Q59354  
ATTORNEY/SEC: PFN/sp/tlb  
Date Filed: September 10, 2004

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER





## PATENT APPLICATION

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

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#### AMENDMENT UNDER 37 C.F.R. §1.312

#### MAIL STOP ISSUE FEE

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

**FILED**  
SEP 10 2004

Pursuant to the provisions of 37 C.F.R. §1.312, please amend the above-identified application as follows on the accompanying pages:

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AMENDMENT UNDER 37 C.F.R. § 1.312  
U.S. APPLICATION NO. 09/582,292  
ATTORNEY DOCKET NO. Q59354

**AMENDMENTS TO THE SPECIFICATION**

**Please delete the present Abstract of the Disclosure (see Examiner's Amendment)  
and replace it with the following new Abstract of the Disclosure.**

A thermoplastic container, such as a bottle, ~~obtains~~ obtained by extrusion-blow or injection-blow molding and having a petaloid base (6.7). The base ~~comprises~~ includes a convex wall (7) hemispherical in shape; ~~said~~ the wall (7) is linked to the wall (2) forming the container body by a marginal zone (8) with a curve (R1, R2). Members (6) originate from the hemispherical wall (7) and are separated in pairs by a ~~pad~~ part thereof; the top end of each member is directly linked to the wall (2) forming the body.

AMENDMENT UNDER 37 C.F.R. § 1.312  
U.S. APPLICATION NO. 09/582,292  
ATTORNEY DOCKET NO. Q59354

**AMENDMENTS TO THE DRAWINGS**

The drawings are corrected to show the cross section symbolic of plastic, as well as to correct the objections noted by the Draftsperson on the form PTO-948.

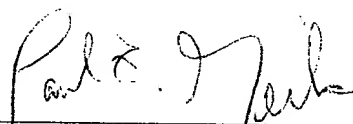
**Attachment: 2 Replacement Sheets**

AMENDMENT UNDER 37 C.F.R. § 1.312  
U.S. APPLICATION NO. 09/582,292  
ATTORNEY DOCKET NO. Q59354

**REMARKS**

Entry and consideration of this Amendment are respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Paul F. Neils", written over a horizontal line.

Paul F. Neils  
Registration No. 33,102

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
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WASHINGTON OFFICE

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Date: September 10, 2004

Attorney Docket No.: Q59354



FIG. 1

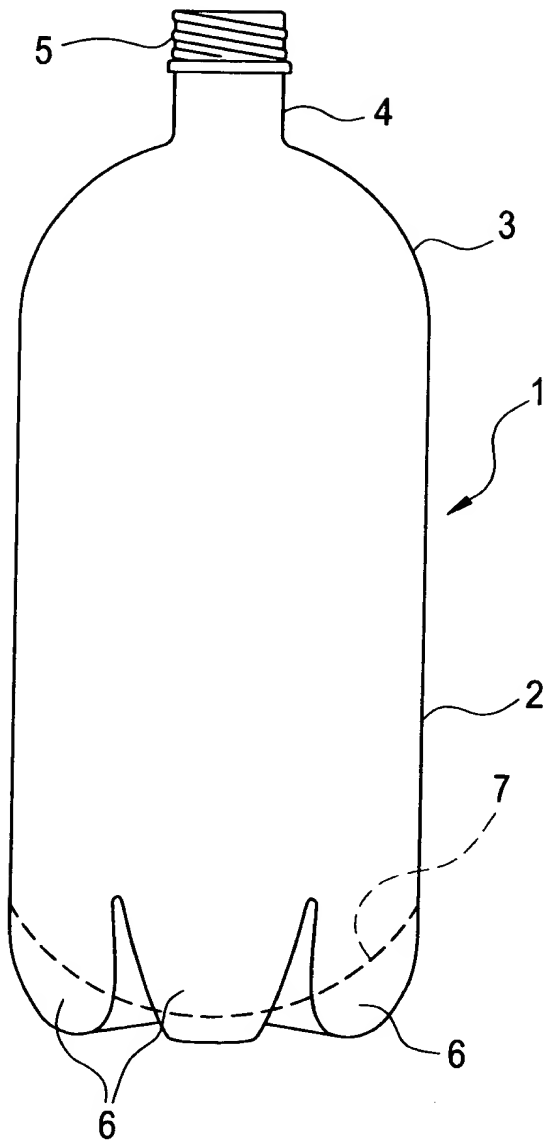


FIG. 2

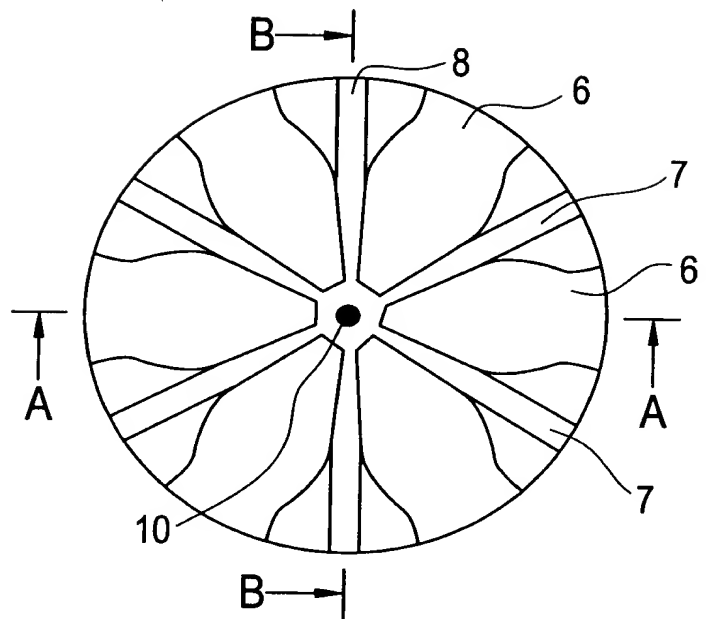




FIG. 3

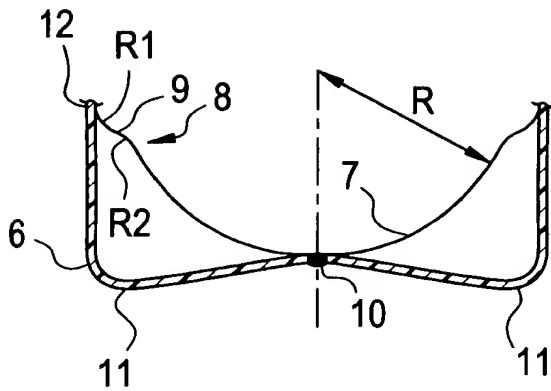


FIG. 4

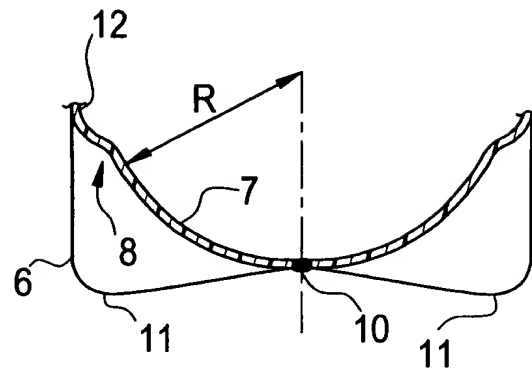


FIG. 5

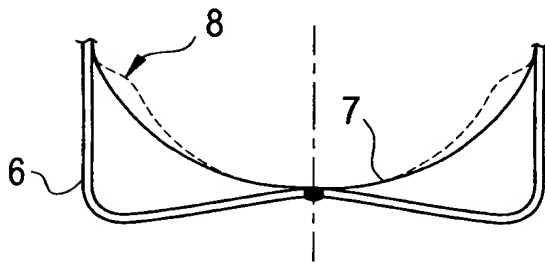


FIG. 6A

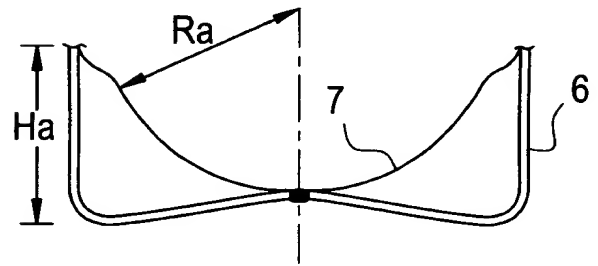
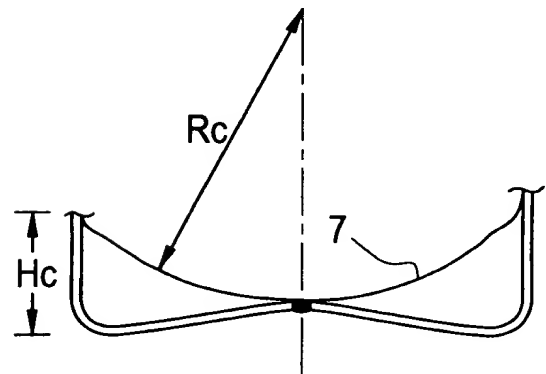
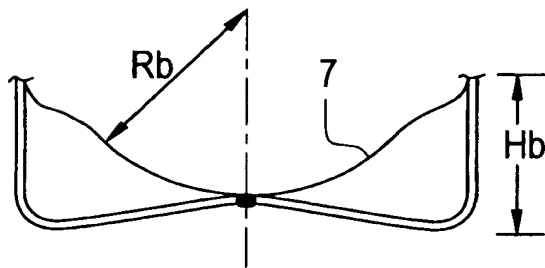


FIG. 6C

FIG. 6B





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**FILING RECEIPT**  
**PLEASE DATE STAMP AND RETURN TO US - BOX 235X**

In re application of

Vincent LE GUEN

Appln. No.: 09/582,292

Group Art Unit: 3727

Confirmation No.: 1515

Examiner: L. Ngo

Filed: June 23, 2000

For: THERMOPLASTIC CONTAINER WITH PETALOID BASE

PAPER(S) FILED ENTITLED:

1. ISSUE FEE PAYMENT WITH CHECK # 259203

SUGHRUE MION, PLLC

Telephone: (202) 293-7060

Facsimile: (202) 293-7860

DOCKET NO.: Q59354

ATTORNEY/SEC: PFN/clz

Date Filed: November 1, 2004

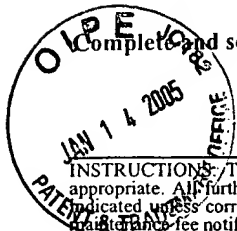
WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER



## PART B - FEE(S) TRANSMITTAL



Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
or Fax (703) 746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7590 08/26/2004

SUGHRUE MION ZINN  
MACPEAK & SEAS  
2100 PENNSYLVANIA AVENUE NW  
WASHINGTON, DC 20037-3213

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/582,292	06/23/2000	VINCENT LE GUEN	Q59354	1515

TITLE OF INVENTION: THERMOPLASTIC CONTAINER WITH PETALOID BASE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1330	\$0	\$1330	11/26/2004

EXAMINER	ART UNIT	CLASS-SUBCLASS
NGO, LIEN M	3727	215-375000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. SUGHRUE MION,  
PLLC  
2.  
3.

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

SIDEL S.A.

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

LE HAVRE CEDEX, FRANCE

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

- ☒ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s):

A check is attached for the NOA Fees payment.  
Please charge any payment deficiency and  
credit overpayment to PODA 19-4880.

by overpayment, to  
this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.  
NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

*Paul F. Neils*

Date

11-1-04

Typed or printed name Paul F. Neils

Registration No. 33,102

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/582,292	06/23/2000	VINCENT LE GUEN	Q59354	1515

7590 01/03/2005

SUGHRUE MION ZINN  
MACPEAK & SEAS  
2100 PENNSYLVANIA AVENUE NW  
WASHINGTON, DC 20037-3213

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JAN 06 2005

EXAMINER

NGO, LIEN M

ART UNIT PAPER NUMBER

3727

DATE MAILED: 01/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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09/582,292



EXAMINER
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ART UNIT	PAPER NUMBER
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DATE MAILED:

### NOTICE OF ABANDONMENT

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.
- ☐ A reply (with Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_ which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
- ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- ☐ A reply was received on \_\_\_\_\_, but it does not constitute a proper reply, or a *bona fide* attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in the last box below).
- ☐ No reply has been received.
- ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
- ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85)(or Notice of Publication Fee Due).
- ☐ The submitted fee of \$ \_\_\_\_\_ is insufficient. A balance of \$ \_\_\_\_\_ is due.  
The issue fee by 37 CFR 1.18 is \$ \_\_\_\_\_. The publication fee, if required, by 37 CFR 1.18(d) is \$ \_\_\_\_\_.
- ☐ The issue fee and publication fee, if applicable, have not been received.
- ☒ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTOL-37).
- ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
- ☒ No corrected drawings have been received.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below: \_\_\_\_\_  
Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

UP

## **Attachment to Notice of Abandonment**

### **For questions concerning the notice contact Office of Patent Publication Image Assistance Center: 888-786-0101.**

Information is also available on the USPTO Internet web site:  
<http://www.uspto.gov/web/patents/pubs/abandonnotice.html>

### **Respond to the Notice of Abandonment by one of the following:**

#### **1. Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I and 37 CFR § 1.181) No fee required**

Where an applicant contends that the application is not in fact abandoned (e.g., a reply was in fact filed), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181 to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f). In order for a petition to be granted, the evidence must be sufficient according to 37 CFR § 1.8(b) Certificate of Mailing, 37 CFR § 1.10 "Express Mail" mailing or MPEP 503 Postcard Receipt as Prima Facie Evidence. The petition should be addressed as follows:

By mail: Mail Stop: Issue Fee, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 703-872-9306

#### **2. Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (MPEP 711.03(c) II and 37 CFR § 1.181). No fee required**

Where an applicant contends that the original Notice of Allowance and Fee(s) Due was never received, if adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 703-872-9306

#### **3. Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)**

Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) or (b) (accompanied by the appropriate petition fee) is necessary to revive the abandoned application. The text of these rules is available on the USPTO Internet Web site. Forms for these petitions, "Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a)," PTO/SB/61, and "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," PTO/SB/64, are available in the forms section of the USPTO website: <http://www.uspto.gov>.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Mail Stop Petition, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 703-872-9306

Note: Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment